

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Loreta Cory,

Case No. 3:07 CV 3423

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-vs-

JUDGE JACK ZOUHARY

Commissioner of Social Security,

Defendant.

The Court has reviewed the Report and Recommendation of the Magistrate Judge (Doc. No. 15). Under the relevant statute, 28 U.S.C. § 636(b)(1)(C) (1982):

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

In this case, the ten-day period has elapsed and no objections have been filed (Doc. No. 16). The failure to file written objections constitutes a waiver of a *de novo* review by the district court. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).

The Court adopts the Report and Recommendation. Defendant's final determination is reversed and remanded to the ALJ for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

September 15, 2008